IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9019 OF 2004

Shri Narsingh Shankar Dhabale ..Petitioner
vs.
The State of Maharashtra
and Ors. ..Respondents

G.N. Salunke for the petitioner.

D.A. Patil, AGP for state.

CORAM: S.U. KAMDAR, J.

DATE : 23RD DECEMBER, 2005.

P.C. :

1. The present petition is challenging the order dated 23.1.2004 passed under Section 134A of the Representation of People Act, 1951. The charge against the petitioner is that in the process of preparing the voters list he has added the name of the villagers who were either below age or not resident of the said village. Though the charge is serious but the provisions of section 134A of the Representation of People act do not contemplate any penalty for any such offence.

2. The provisions of Section 134A only applies to those persons who are classified under sub-section 3 of Section 134. The said section 134(3) provides for election officer, Returning Officer, Polling Officer, Presiding Officer or any other person appointed to perform any duty in the cause of election. The petitioner in the present case is a teacher and was appointed to assit in preparation of voters list. Such persons are not covered under Section 134 and thus no penalty can be imposed under section 134A of the said Act. 3. Since the petitioner was not involved in any such activity as classified under sub-section 3 section 134 the action on the part of the authority is totally illegal. In that light of the matter the order is quashed and set aside. Petition is made absolute. However it is clarified that the respondent will be entitled to initiate legal proceedings under any other provisions of law as may be permissible and available in law for the charges levelled against the petitioner.

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